

FINDING OF EMERGENCY

The basis for emergency adoption of these regulations is as follows:

Family Code, Section 17306(e), states in relevant part:

“The department may adopt regulations to implement this division in accordance with the Administrative Procedure Act. The adoption of any emergency regulation filed with the Office of Administrative Law on or before January 1, 2003, shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, and safety or general welfare. These emergency regulations shall remain in effect for no more than 180 days.”

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW:

Income Withholding Orders

Federal law, 15 United States Code (USC), Section 1673(b) specifies that an assignment order for support may not exceed 50 percent of an individual’s disposable earnings.

Federal law, 42 USC, Section 653a specifies procedures for the State Directory of New Hires. Subsection (g) specifies that an income withholding order shall be served on an obligor’s employer within two business days after the date information regarding newly hired employee is entered into the State Directory of New Hires (SDNH).

Federal regulation, 45 Code of Federal Regulations (CFR), Section 303.100 specifies general procedures and timeframes for income withholding orders and requires that all court ordered child support obligations enforced under the state plan, include a provision for income withholding. Specifically, these regulations provide that States must have procedures/requirements for the following: 1) a provision for wage withholding in all support orders; 2) withholding no more than the maximum permitted under the Consumer Credit Protection Act; 3) prioritization of support for multiple assignments orders; 4) promptly terminating withholding in specified circumstances; 5) serving an income withholding order on an employer within 15 days of receipt of a court order; 6) good cause and alternative arrangement procedures and 7) procedures for interstate withholding.

State law, Section 706.011(a), Code of Civil Procedure; Sections 4901(e) and 5206, Family Code, define “earnings” or “income” to the extent that they are subject to an income withholding order.

State law, Section 706.029, Code of Civil Procedure, specifies that service of an earnings assignment order creates a lien on the earnings of the judgment debtor and all property of the employer subject to the enforcement of a money judgment in the amount required to be withheld pursuant to the order. The lien is effective for a year from the

date the earnings of the judgment debtor become payable, unless the amount required to be withheld is paid as required by law.

State law, Section 3760, Family Code defines “employer” as including the United States government and any public entity as defined in Section 811.2 of the California Government Code.

State law, Sections 4901(f), 5208, and 5246, Family Code, define “income withholding order” or “earnings assignment order for support” as a legal process against an obligor’s income or earnings for support.

State law, Section 5216, Family Code, defines “obligor” as a person owing a duty of support.

State law, 5232, Family Code, allows service of an income withholding order on an obligor’s employer to be made by first-class mail. Section 5246(h), Family Code, also permits the order/notice to withhold income to be transmitted by electronic means.

State law, Section 5240, Family Code, specifies that upon filing a motion, the court shall terminate an assignment order under the following circumstances: 1) the death or emancipation of the child for whom support is owed; 2) the court determines there is good cause; 3) the obligor meets the conditions of an alternative arrangement; 4) there is no longer a current order for support; 5) the termination of the stay of an assignment order was improper; and 6) The IV-D agency is unable to find and deliver payments to the custodial party for a period of six months.

State law, Section 5241, Family Code, specifies that employers who willfully fail to withhold and forward support pursuant to an order are liable to the obligee for the amount not withheld, forwarded, including any interest. In addition to any other penalties provided by law, willful failure by an employer to comply with an income withholding order is punishable by contempt. Furthermore, local child support agencies may obtain a court order requiring payment of support by electronic funds transfer if the employer willfully fails to comply with an income withholding order or fails to comply with an income withholding order on three separate occasions within a 12-month period. The local child support agency shall not be required to collect the penalty on behalf of the obligee.

State law, Section 5245, Family Code, specifies that the local child support agency has authority to use any other civil and criminal remedies to enforce support obligations, regardless if the child, parent, or child support obligee is the recipient of welfare services.

State law, Section 5246, Family Code, specifies that the federally mandated order/notice to withhold income for child support issued by a local child support agency has the same force and effect as an assignment order signed by a judicial officer. The order/notice to withhold income may not reduce the current amount withheld for court-

ordered child support. However, if an obligor is disabled and is receiving Supplemental Security Income/State Supplementary Program (SSI/SSP) benefits, or but for excess income is eligible to receive SSI/SSP, and provides the local child support agency with proof of his/her eligibility for SSI/SSP, or if applicable receipt of SSI/SSP or Social Security Disability Insurance (SSDI), then the order notice to withhold income issued by a local child support agency for the liquidation of arrearages shall not exceed five percent of the obligor's total monthly SSDI benefits. This section further specifies procedures and timeframes for hearing requests regarding an order/notice to withhold income.

State law, Section 5260, Family Code, specifies limited circumstances under which the court may order that service of an assignment order be stayed for good cause and state the reasons on the record. Alternative agreements for staying a wage assignment require a written agreement between the parties and the concurrence of the local child support agency in cases where support is ordered to be paid through a county officer.

State law, Section 5261, Family Code, specifies requirements for terminating a stay of an income withholding order. If service of an income withholding order has been ordered stayed, the stay shall terminate upon the obligor's failure to make timely support payments or earlier if requested by the local child support agency.

State law, Section 17000(l), Family Code, defines "Title IV-D" as Part D of the federal Social Security Act (42 USC, Section 651 et seq.)

State law, Section 1088.8, Unemployment Insurance Code, specifies that effective January 1, 2001, service-recipients as defined in this Section are required to make a return to the Internal Revenue Service (IRS), relating to payments made to a service-provider as compensation for services, and file with the IRS the information specified in this section. Service recipients are required to report to the Employment Development Department within 20 days of making payments or entering into a contract equal to or exceeding \$600 with a service provider.

Medical Support Enforcement

Federal law, 15 United States Code (USC), Section 1673(b) specifies that an assignment order for support may not exceed 50 percent of an individual's disposable earnings.

Federal regulation, 45 CFR, Section 303.31, specifies requirements for securing medical support obligations. Subsection (a) specifies that health insurance is reasonable in cost if it is employment-related or other group health insurance. Subsection (b) requires Title IV-D agencies to petition the court to include a provision for health insurance or medical support in all new or modified orders for support unless the custodial parent and child(ren) have satisfactory health insurance other than Medicaid. Subsection (b)(5) requires Title IV-D agencies to provide the custodial parent with information about the health insurance policy obtained for the child(ren) pursuant to the

medical support order. Subsection (b)(6) requires Title IV-D agencies to inform the Medicaid agency when new or modified court orders include medical support. Subsection (b)(7) requires Title IV-D agencies to enforce court-ordered provisions for health insurance coverage if health insurance is available to the non custodial parent at a reasonable cost and has not been obtained at the time the order is entered, and provide the Medicaid agency with the information referred to in Section 303.030(a). Subsection (b)(8) requires Title IV-D agencies to periodically communicate with the Medicaid agency to determine if there has been a lapse in health insurance coverage for public assistance applicants and recipients. Subsection (b)(9) requires employers and other groups offering health insurance coverage to notify the Title IV-D when there has been a lapse in coverage. Subsection (c) requires Title IV-D agencies to inform all applicants requesting child support services, that medical support enforcement services will be provided.

Federal regulation, 45 CFR, Section 303.32 requires States to use the federally mandated National Medical Support Notice (NMSN) to enforce all provisions of health care coverage effective October 1, 2001, except in cases where the court order stipulates that an alternative health care coverage exists. State agencies must transfer the NMSN to employers within two business days after the date of entry of information from the SDNH and promptly notify the employer when medical support is terminated or no longer in effect. Finally, State agencies are required to consult with the custodial parent and select from available plan options when the plan administrator reports that there is more than one option available.

State law, Sections 3750 and 3760, Family Code define “health insurance coverage” as the delivery of health, vision, and dental care services or any type of health care delivery system under which medical services may be provided to a dependent child of an obligor.

State law, Section 3751, Family Code, specifies that all child support orders shall include a provision for requiring the child support obligor to keep the Title IV-D agency informed of whether the obligor has health insurance coverage at a reasonable cost. In addition, any case in which an amount is set for current child support, the court shall require that health insurance coverage for the child be maintained by either parent. Health insurance coverage is rebuttably presumed to be reasonable in cost if it is employment-related group health insurance or other, group health insurance, regardless of the service delivery mechanism. If the court determines that health insurance coverage is not available or not available at a reasonable cost, the court shall state the reasons on the record and include a provision on the support order that specifies that health insurance coverage shall be obtained if it becomes available.

State law, Section 3751.5, Family Code, specifies that upon request from a local child support agency and/or a court order, employers and/or insurers are required to enroll a child under the health coverage plan and provide evidence of the coverage to the local child support agency. In addition, information regarding the coverage including but not

limited to health insurance membership or any other information provided to the non-covered parent shall be provided to the local child support agency, upon request.

State law, Section 3752, Family Code, specifies that in cases where a local child support agency has been designated as the assigned payee for child support, the court shall order the parent to notify the local child support agency upon applying for and obtaining health insurance coverage. The local child support agency is required to obtain a completed medical form from the parent and forward to the State Department of Health Services. Furthermore, when the local child support agency is providing medical support enforcement services, the local child support agency shall provide the parent or person having custody of the child with information pertaining to the health insurance coverage that has been secured for the child.

State law, Section 3752.5, Family Code, specifies that all child support orders issued or modified pursuant to the division shall include a provision requiring both the child support obligor and obligee to keep the other parent informed of whether he/she has health insurance available through his/her employer or has other group health insurance and, if so the policy information.

State law, Section 3763, Family Code, specifies that a health insurance coverage assignment order may be ordered at the time of a trial or entry of a judgment and may be modified at any time by the court. Furthermore, the order is binding on any existing or future employer, upon service of a copy of the order.

State law, Section 3764, Family Code, specifies that a health insurance coverage assignment order is effective 20 days after service on the employer. Within 10 days of service of the order, the employer or person providing health insurance shall deliver a copy of the order to the obligor along with a statement of the obligor's rights to move to quash the order. Furthermore, service of a health insurance coverage assignment order may be made by first class mail.

State law, Section 3765, Family Code, specifies grounds to quash an assignment order and assists in defining the term "quash" as to cancel by judicial order.

State law, Section 3766, Family Code, requires the employer or person providing health insurance to take steps to commence coverage pursuant to a court order within 30 days of service of the order upon the obligor. If coverage is not available, the employer must return the assignment to the person initiating the assignment.

State law, Section 3767, Family Code, specifies that the employer or person providing health insurance, upon request, shall provide the local child support agency with evidence of coverage and any information and forms necessary to submit claims to the insurance carrier.

State law, Section 3768, Family Code, specifies that an employer who willfully fails to comply with a health insurance coverage assignment is liable to the applicant for the

amount incurred in health care services. Furthermore, willful failure of an employer to comply with a health insurance coverage assignment is punishable as contempt.

State law, Section 3770, Family Code, specifies grounds under which a health insurance coverage assignment may be terminated by a court.

State law, Section 3771, Family Code, specifies that upon request from a local child support agency, the employer is required to provide the local child support agency with information regarding the obligor and his/her health insurance information within 30 days.

State law, Section 3773, Family Code, specifies that in cases where a local child support agency is providing enforcement services, the local child support agency shall serve on the employer the national medical support notice in lieu of the health insurance coverage assignment order. The national medical support notice has the same force and effect as a health insurance coverage assignment order and may be combined with an order/notice to withhold income for child support. Furthermore, the obligor shall have the same right to move to quash or terminate a national medical support notice.

State law, Section 17400 (a), Family Code, specifies, that local child support agencies shall be responsible for establishing, modifying, and enforcing child support obligations, including medical support. Subsection (m) provides that the medical support services a local child support agency is authorized to provide is limited to obtaining and enforcing a court order for health insurance coverage, and any other medical support activity mandated by federal law.

State law, Section 17422, Family Code, subsection (b)(1), requires local child support agencies to obtain a completed state medical insurance form and send it to the Department of Child Support Services in the manner prescribed by the Department. Subsection (b)(2) specifies that where it has been determined that health insurance coverage is not available at a reasonable cost, the local child support agency shall seek a provision in the support order that provides for health insurance coverage if it becomes available at a reasonable cost. Subsection (c)(1) provides that local child support agencies shall request employers and other groups offering health insurance coverage to notify the local child support agency when there has been a lapse in coverage. The local child support agency enforcing court ordered medical support is responsible for forwarding information regarding the health insurance policy to the custodial parent. Subsection (c)(2) requires the local child support agency to periodically communicate with the Department to determine if there has been a lapse in health insurance coverage for public assistance applicants and recipients. Subsection (c)(3) requires the local child support agency to take appropriate civil or criminal action to obtain and enforce health insurance coverage when there has been a lapse in insurance coverage or the responsible parent has failed to obtain health insurance. Finally, subsection (c)(4) requires local child support agencies to inform all applicants for child support services, that medical support enforcement services are available.

State law, Section 17424, Family Code, requires a parent who has been served with a medical insurance form to complete and return the form to the local child support agency within 20 calendars days of when the form was served. The local child support agency shall send the completed medical insurance form to the Department in the manner prescribed by the Department.

Real Property Liens

Federal law, 11 USC, Section 362(b)(2)(B), specifies that property not part of the bankruptcy estate is excepted from the automatic stay in a bankruptcy filing.

Federal law, 11 USC, Section 523(a)(18), specifies that discharge under 11 USC, Sections 727, 1141, 1228(a), 1228(b), or 1328(b), does not pertain to a debt of support that is enforceable under Title IV-D of the Social Security Act.

Federal law, 42 USC, Section 666(a)(4), specifies that a real property lien arises by operation of law against the property of a debtor for overdue support, and that the State accords full faith and credit to liens arising in other states when the state agency, party, or other entity seeking enforcement complies with the procedural rules related to recording or serving the lien.

Federal regulation, 45 CFR, Section 302.70(a)(4), specifies that the State shall have in effect procedures for the imposition of liens against the real property of noncustodial parents who owe overdue child support.

State law, Section 674, Code of Civil Procedure, specifies that except as otherwise provided in Section 4506, Family Code, an abstract of judgment or decree requiring a payment of money shall be certified by the clerk of the court where the judgment or decree was entered and shall contain the following: 1) Title of the court where the judgment or decree was entered and cause and number of the action; 2) The date of entry of the judgment or decree and of any renewals of the judgment or decree and where entered in the records of the court; 3) The name and last known address of the judgment debtor and the address where the summons was served on the judgment debtor or the address where the summons was mailed; 4) The name and address of the judgment creditor; 5) The amount of the judgment or decree as entered; 6) The social security number and driver's license number of the judgment debtor, if known, and if not known this fact should be noted on the abstract of judgment; 7) Whether a stay has been entered by the court and, if a stay has been entered, the date the stay ends; and 8) The date that the abstract of judgment was issued. This section also specifies that any abstract of judgment issued after January 1, 1979 that does not contain the social security number and/or driver's license number of the judgment debtor may be amended by recording an amendment to abstract of judgment, and priority of the amendment to abstract of judgment shall be the same as the original date of recordation.

State law, Section 697.060, Code of Civil Procedure, specifies that an abstract or certified copy of a money judgment of a court in the United States that is enforceable in this State may be recorded to create a judgment lien on real property.

State law, Section 697.320, Code of Civil Procedure, specifies that a judgment lien on real property is created under this section by recording an abstract, an interstate lien form promulgated by the federal Secretary of Health and Human Services, or a certified copy of the money judgment with the county recorder.

State law, Section 697.410, Code of Civil Procedure, specifies that if an abstract of a money judgment or a certified copy of a money judgment is recorded and creates a judgment lien on the real property of a person not the judgment debtor, the erroneously identified property owner may deliver to the judgment creditor a written demand for a recordable document releasing the lien. Upon receipt of proof satisfactory to the judgment creditor that the property owner is not the judgment debtor, the judgment creditor shall within 15 days deliver to the property owner a recordable document releasing the lien, otherwise the judgment creditor is liable to the property owner for damages. If the judgment creditor does not deliver the recordable document to the property owner, the property owner may apply to the court for an order releasing the judgment lien on the property.

State law, Section 724.010, Code of Civil Procedure, specifies that a money judgment may be satisfied by payment of the full amount or by payment of a lesser amount accepted by the judgment creditor.

State law, Section 724.030, Code of Civil Procedure, specifies that when a money judgment is satisfied, the judgment creditor shall immediately file an acknowledgment of satisfaction of judgment with the court.

State law, Section 724.040, Code of Civil Procedure, specifies that if an abstract of money judgment was filed with the county recorder and the judgment is satisfied, the judgment creditor shall file an acknowledgment of satisfaction with the court and serve personally or by mail on the judgment debtor the acknowledgment of satisfaction.

State law, Section 724.060, Code of Civil Procedure, specifies that an acknowledgment of satisfaction shall contain the following: 1) The title of the court; 2) The cause and number of the action; 3) The names and addresses of both the judgment creditor and obligor; 4) The date the judgment was entered; 5) A statement that the judgment is satisfied in full or that the creditor accepted an amount other than what is specified in the judgment as full satisfaction of the judgment; 6) A statement of whether the abstract of the judgment was recorded in any county recorder office and, if so, what county, the book and page number where the abstract was recorded, and a notice that the satisfaction will be recorded in any county where the abstract was filed.

State law, Section 724.120, Code of Civil Procedure, specifies that an acknowledgment of a partial satisfaction of judgment shall be made in the same manner as an acknowledgement of satisfaction.

State law, Section 724.250, Code of Civil Procedure, specifies that an acknowledgement of satisfaction of matured installments shall be made in the same manner as an acknowledgement of satisfaction.

State law, Section 4201, Family Code, specifies that in any proceeding where an order for child support has been made by a court, the court may direct that payments be made to the county officer designated by the court and that the local child support agency appear in any proceeding to enforce an order on behalf of the minor child.

State law, Section 4204, Family Code, specifies that notwithstanding any other provision of law, in any proceeding where an order for child support has been made by the court and the child support is subsequently assigned to the county pursuant to Section 11477, Welfare and Institutions Code, or the person having custody of the child requests enforcement services pursuant to Section 17400, Family Code, the local child support agency may issue a notice, to be served on the support obligor and obligee, directing all payments be made to the local child support agency.

State law, Section 4506.1, Family Code, specifies that when a support obligation is being enforced pursuant to Title IV-D of the Social Security Act, the agency enforcing the support obligation may file and record an abstract of support judgment as authorized by Section 4506, Family Code, and substitute the agency's office address as the party designated to receive support payments.

State law, Section 4506.2, Family Code, subsection (a), authorizes an agency enforcing the support obligation pursuant to Title IV-D of the Social Security Act to file and record a substitution of payee, if a judgment or abstract of judgment had been previously recorded pursuant to Section 697.320, Code of Civil Procedure by the obligee or a different governmental agency. Subsection (b) authorizes a local child support agency to file and record a substitution of payee when the local child support agency ceases enforcement of a support order at the request of the obligee, if the judgment or abstract of judgment was previously recorded pursuant to Section 697.320, Code of Civil Procedure. Subsection (c) specifies that a substitution of payee must contain the name and address of the governmental agency or substituted payee; title of the court, the cause, and number of the proceeding where the substituted payee registered the judgment; the name and last known address of the party ordered to pay support; the recorder identification number or the book and page of the recorded document; and any other information deemed to be appropriate by the Judicial Council of California. Subsection (d) provides that the recording of a substitution of payee will not affect the priority created by earlier recordings. Subsection (e) provides that prior court approval or a clerk's certification is not required by the agency enforcing the support obligation pursuant to Title IV-D of the Social Security Act when filing and recording a substitution of payee.

Credit Reporting

Federal law, 42 USC, Section 666(a)(7) requires the State to have procedures for reporting the name of the non-custodial parent who is delinquent in the payment of support and the amount of support owed to consumer reporting agencies, as defined as defined in Section 1681a(f) of Title 15. This section further establishes that the parent who is being reported must be afforded due process rights in accordance with state law to contest the accuracy of the information reported.

Federal regulation, 45 CFR, Section 302.70 (a)(7) requires the State to have procedures for making information available to consumer reporting agencies regarding the amount of overdue support owed by non-custodial parents.

State law, Section 4701, Family Code, provides that the Department will administer a statewide automated system for credit reporting. Local child support agencies are required to report all court ordered child support obligations and delinquent payments, amounts owed, and by whom, to the Department. The Department is then required to consolidate this information and transmit to credit reporting agencies. This section further specifies that the obligor be provided notice and due process rights to contest the submission and/or accuracy of information and the opportunity to contest in writing within 30 days.

These emergency regulations interpret, make specific, or implement the state and federal laws and regulations cited above and make the following changes to Title 22, California Code of Regulations:

Chapter 1. Program Administration.

- Sections 110226, 110242, 110251, 110336, 110337, 110355, 110485, 110547, and 110615 were adopted to define terms of general applicability necessary for the administration of the child support program.
- Sections 110250, 110474, and 110660 were amended to clarify the meaning of the term or to update the reference citations.

Chapter 6. Enforcement Actions.

Article 1. Definitions.

- Sections 116004, 116018, 116036, 116038, 116042, 116061, 116062, and 116063 were adopted to define terms specific to the immediate enforcement actions local child support agencies are required to take.

Subchapter 6.1. Immediate Enforcement Actions.

Article 1. Income Withholding Orders.

- Section 116100 was adopted to specify the general requirements and timeframes necessary to prepare and serve an income withholding order.
- Section 116102 was adopted to specify the actions a local child support agency must take when a hearing regarding an income withholding order is requested and conducted.
- Section 116104 was adopted to specify requirements for staying service or terminating a stay of an income withholding order.
- Section 116106 was adopted to specify the circumstances under which an income withholding order may be terminated.
- Section 116108 was adopted to specify employer non-compliance notification timeframes and documentation requirements, including electronic funds transfer requirements.
- Section 116110 was adopted to specify employer contempt procedures.

Article 2. Medical Support Enforcement.

- Section 116114 was adopted to specify general medical support enforcement requirements.
- Section 116116 was adopted to specify the requirements and timeframes necessary for serving a national medical support notice.
- Section 116118 was adopted to specify the requirements for processing the national medical support notice.
- Section 116120 was adopted to specify the circumstances under which a national medical support notice may be terminated.
- Section 116122 was adopted to specify procedures for requiring an obligor to obtain other group health insurance coverage.
- Section 116124 was adopted to specify employer non-compliance with a national medical support notice and employer contempt procedures.

Article 3. Real Property Liens.

- Section 116130 was adopted to specify requirements for recording and creating real property liens.
- Section 116132 was adopted to specify the circumstances under which to file a satisfaction of judgment and/or a substitution of payee.
- Section 116134 was adopted to specify circumstances and requirements for releasing real property liens.

Article 4. Credit Reporting Agencies.

- Section 116140 was adopted to specify general requirements and timeframes for reporting child support obligations and arrearages to credit reporting agencies.

22 California Code of Regulations, Section 117042 and Manual of Policies and Procedures Sections 12-107.3, 12-224.3, 12-228.7, 12-228.8, and Chapter 12-600, Sections 12-601, 12-602, 12-603, 12-604, 12-605, and 12-606 have been repealed because the regulatory provisions previously contained in those sections have been modified and relocated to these regulations.

These regulations establish requirements for, and incorporate by reference, the following forms:

1. "Dependent's Health Insurance Information," CSS 4330, dated (4/02)
2. "Employees' Dependent Health Insurance Information," CSS 4333, dated (4/02)
3. "Child Support Credit Reporting/State Licensing Match Transmittal," CS 914, dated (8/02)

AUTHORITY: Sections 17306, 17310, and 17312, of the Family Code.

REFERENCE: Sections 674, 697.060, 697.320, 697.410, 706.011, 706.029, 724.010, 724.030, 724.040, 724.060, 724.120; and 724.250, Code of Civil Procedure; Sections 3750, 3751, 3751.5, 3752, 3752.5, 3760, 3763-3768, 3770, 3771, 3773, 4201, 4204, 4506.1- 4506.2, 4701, 4901, 5206, 5208, 5216, 5232, 5240, 5241, 5245, 5246, 5260, 5261, 17000(l), 17306, 17310, 17312, 17400, 17422, and 17424, Family Code; Section 1088.8, Unemployment Insurance Code; 11 USC, Sections 362(b)(2)(B) and 523(a)(18); 15 USC, Section 1673(b); 42 USC, Sections 653a and 666; and 45 CFR, Sections 302.70, 303.31, 303.32, and 303.100.

FISCAL IMPACT ESTIMATE:

- A. Fiscal Effect on Local Government: None.
- B. Cost or Savings to Any State Agency: None.
- C. Cost or Savings in Federal Funding to the State: None.
- D. Other Nondiscretionary Costs or Savings Imposed on Local Agencies: None.

LOCAL MANDATE DETERMINATION:

The Department has determined that the regulations would not impose a mandate on local agencies or school districts.

ALL COST IMPACTS KNOWN TO THE DEPARTMENT AT THE TIME THE EMERGENCY ACTION WAS SUBMITTED TO THE OFFICE OF ADMINISTRATIVE LAW THAT A REPRESENTATIVE PRIVATE PERSON OR BUSINESS WOULD NECESSARILY INCUR IN REASONABLE COMPLIANCE WITH THE PROPOSED ACTION:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. These regulations implement and interpret existing State and federal law and regulations and specify requirements and timeframes for income withholding orders; securing and

enforcing medical support; recording and releasing real property liens; and general requirements for reporting child support obligations to credit reporting agencies. The Department has determined that the regulations would not significantly affect the following:

- 1) The creation or elimination of jobs within the State of California.
- 2) The creation of new business or the elimination of existing businesses within the State of California.
- 3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations would not impose any additional requirements on small businesses. Small businesses would not be expected to incur either benefits or detriments from these regulations.

IMPACT ON HOUSING COSTS:

The Department has determined that the regulations will have no impact on housing costs.

- (1) Adopt Section 110226 to read as follows:

Title 22. Social Security
Division 13. Child Support Services
Chapter 1. Program Administration.
Subchapter 1. Operations.
Article 1. Definitions.

Section 110226. Disposable Earnings.

“Disposable earnings” means income that is subject to withholding left after making mandatory deductions for taxes including State, federal, local, Social Security, Medicare taxes and union dues, along with deductions for disability insurance and payments to public employees’ retirement systems, provided that the deductions are required as a condition of employment.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

(2) Adopt Section 110242 to read as follows:

Section 110242. Earnings.

“Earnings” means any of the following to the extent that they are subject to an income withholding order for support:

(a) Wages, salary, bonuses, vacation pay, retirement pay and commissions.

(b) Payments for services of independent contractors, interest, dividends, rents, royalties, residuals, patent rights, or mineral or other natural resource rights.

(c) Payments or credits due or becoming due as a result of a written or oral contract for services or sales whether denominated as wages, salary, commission, bonus, or otherwise.

(d) Payments due for workers’ compensation temporary disability benefits.

(e) Payments due from a disability or health insurance policy or program.

(f) Any other payments or credits due or becoming due, regardless of the source.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section 706.011(a), Code of Civil Procedures; and Sections 4901(e) and 5206, Family Code.

(3) Adopt Section 110251 to read as follows:

Section 110251. Employment-Related Group Health Insurance.

"Employment-related group health insurance " means private group health insurance coverage provided through employment or membership in a union, trade association, or other organization.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

(4) Adopt Section 110336 to read as follows:

Section 110336. Health Insurance Coverage.

"Health insurance coverage " means the provisions for the delivery of both of the following:

(a) Health care services by a fee for service, health maintenance organization, preferred provider organization, or any other type of health care delivery system under which medical services could be provided to a dependent child of an obligor.

(b) Vision care and dental care services whether the vision care or dental care coverage is included in health insurance coverage or is issued as a separate policy or plan.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 3750 and 3760, Family Code ; and 45 Code of Federal Regulations, Section 303.31.

(5) Adopt Section 110337 to read as follows:

Section 110337. Health Insurance Coverage at a Reasonable Cost.

"Health insurance coverage at a reasonable cost" means employment-related group health insurance or other group health insurance, regardless of the service delivery mechanism.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 3751(a)(2) and 17422(b)(3), Family Code; and 45 Code of Federal Regulations, Section 303.31.

(6) Adopt Section 110355 to read as follows:

Section 110355. Income Withholding Order.

“Income withholding order,” “assignment order,” “assignment order for support,” “earnings assignment order,” and “wage assignment order” means a court order or administrative notice for income withholding, or legal process directed to an obligor’s employer, or other debtor of the obligor, to withhold from the income of the obligor an amount owed for support. Any income withholding order, or assignment order, or assignment order for support, or earnings assignment order, or wage assignment order issued by a local child support agency shall be issued on the federal form “Order/Notice to Withhold Income for Child Support,” OMB Control No. 0970-0154 as adopted by the California Judicial Council.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
References: Sections 4901(f), 5208, and 5246, Family Code.

(7) Amend Section 110474 to read as follows:

Section 110474. Obligor.

“Obligor” means an individual, or the estate of a decedent, who owes a duty of support.

NOTE: Authority cited: Sections 17306, 17310, and 17312, Family Code.
Reference: Sections 5216, and 17212, Family Code; and Section 11478.1,
Welfare and Institutions Code.

(8) Adopt Section 110485 to read as follows:

Section 110485. Other Group Health Insurance.

“Other group health insurance” means private group health insurance coverage provided through an organization other than through an employment-related group health insurance.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

(9) Adopt Section 110547 to read as follows:

Section 110547. Quash.

"Quash " means to cancel by judicial order.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 3765, Family Code.

(10) Adopt Section 110615 to read as follows:

Section 110615. State Directory of New Hires.

“State Directory of New Hires (SDNH) ” means a database maintained by each state that contains information regarding employees who are newly hired in the respective state.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: 42 United States Code, Section 653a.

(11) Amend Section 110660 to read as follows:

Section 110660. Title IV-D.

“Title IV-D” means Title IV of the federal Social Security Act, Part D, Child Support and Establishment of Paternity, codified at 42, U.S.C., Section 651 et seq.

NOTE: Authority cited: Sections 17306, 17310, and 17312, Family Code.
Reference: Section 17000(l), Family Code.

(12) Adopt Chapter 6, Article 1, and Section 116004 to read as follows:

Chapter 6. Enforcement Actions.

Article 1. Definitions.

Section 116004. Alternate Arrangement.

“Alternate arrangement” means a written agreement approved by a court or tribunal between an obligee and obligor that provides for payment of a support obligation as ordered other than through the immediate service of an income withholding order, and that is signed by the local child support agency with jurisdiction over the case when:

(a) Public assistance is being provided and there has been an assignment of support rights to the State.

(b) No public assistance is being provided, but the local child support agency is providing Title IV-D services at the time the alternate arrangement is entered into.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section 5260, Family Code; and 45 Code of Federal Regulations, Section 303.100(b)(3).

(13) Adopt Section 116018 to read as follows:

Section 116018. Credit Reporting Agencies.

“Credit reporting agencies” means any entity which regularly engages in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 4701, Family Code ; 42 USC, Section 666(a)(7); and 45
Code of Federal Regulations, Section 302.70(a)(7).

(14) Adopt Section 116036 to read as follows:

Section 116036. Independent Contractor Registry.

“Independent Contractor Registry” means a database maintained by the
Employment Development Department which contains information regarding
independent contractors reported in California, as required in Section 1088.8,
Unemployment Insurance Code.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 5206, Family Code; and Section 1088.8, Unemployment
Insurance Code.

(15) Adopt Section 116038 to read as follows:

Section 116038. Intercounty Responding Case.

“Intercounty responding case” means a case in which the noncustodial parent and the custodial party live in different counties within California and the county in which the noncustodial parent resides receives and responds to a child support action for the purpose of enforcement.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

(16) Adopt Section 116042 to read as follows:

Section 116042. Intracounty Case.

“Intracounty case” means a case in which only one county is providing Title IV-D services.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

(17) Adopt Section 116061 to read as follows:

Section 116061. Plan Administrator.

"Plan Administrator" for the purposes of this Article, means any person who collects any charge or premium from, or who adjusts or settles claims on, residents of California in connection with health insurance coverage.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

(18) Adopt Section 116062 to read as follows:

Section 116062. Real Property.

“Real property” means real estate or property, such as, land and buildings that are permanent, fixed, and immovable.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

(19) Adopt Section 116063 to read as follows:

Section 116063. Real Property Lien.

“Real property lien” means a charge against real property, as defined in Section 116062, to secure payment of a support obligation at the time of sale or transfer of real property.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

(20) Adopt Subchapter 6.1, Article 1, and Section 116100 to read as follows:

Subchapter 6.1 Immediate Enforcement Actions.

Article 1. Income Withholding Orders.

Section 116100. Preparing and Serving an Income Withholding Order--General Requirements and Timeframes.

(a) If a child support order exists, a local child support agency shall serve an income withholding order on an obligor's employer, unless a court has ordered that service be stayed. The income withholding order shall specify the following amounts, as applicable, to be withheld from the obligor's disposable earnings whether for child, family, spousal, and/or medical support:

(1) The amount(s) of current support specified in the most recent support order.

(2) The amount specified in the court order to be applied toward the liquidation of any support arrearage.

(3) An amount to be applied toward the liquidation of any support arrearage, if no amount(s) of payment toward any arrearage is specified in the court order, or additional arrears have accrued after the date of a court order for support. If both current support and arrearages exist, the amount to be applied towards the liquidation of arrearages shall not exceed 25 percent of the current support order, or when combined with the current support amount, the maximum amount permitted by Title 15, United States Code, Section 1673(b).

(A) If an obligor's current support obligation for one child terminates by operation of law but an arrearage balance exists, the local child support agency shall serve an amended income withholding order on the

obligor's employer within 30 days that provides for a monthly payment that is equal to the current support payment that has terminated, to be applied towards the liquidation of arrearages not to exceed the maximum amount permitted by Title 15, United States Code, Section 1673(b).

(B) An income withholding order issued by a local child support agency for the liquidation of arrearages, shall not exceed five percent of a disabled obligor's total monthly Social Security Disability Insurance (SSDI) benefits pursuant to Title II of the Social Security Act, if the obligor provides the local child support agency with proof that the obligor meets the Supplemental Security Income (SSI) resource test and is receiving SSI/State Supplementary Program (SSP) benefits and/or SSDI, or, but for excess income, would be eligible to receive SSI/SSP. Proof that the obligor is otherwise eligible for SSI/SSP, but for excess income, includes SSDI check stubs and self certification by the obligor declaring under penalty of perjury that the obligor meets the SSI resource limits.

(b) In addition to the original income withholding order served on an employer, a local child support agency also shall serve, the following on the obligor's employer to deliver to the obligor:

(1) A second copy of the income withholding order.

(2) A blank request for hearing regarding wage and earnings assignment, and the information sheet for request for hearing regarding wage and earnings assignment.

(c) An income withholding order and the documents specified in subsection (b) shall be served on an obligor's employer:

(1) Within 15 days of any of the following:

(A) The date the support order is received by the local child support agency, if the address of the obligor's employer is known on that date.

(B) The date the obligor's employer is located. If the obligor's employer is located through the State Directory of New Hires, the income withholding order shall be served within the timeframe specified in subparagraph (2), below.

(C) The date the local child support agency opens a case, if the address of the obligor's employer is known on that date and the support order was entered prior to case opening, and the local child support agency confirms the existence of the court order. The local child support agency shall take appropriate action to confirm the existence of the court order within 10 days of opening the case.

(D) The date information is received from the Independent Contractor Registry as specified in Section 1088.8, Unemployment Insurance Code.

(E) The date the foreign state order is registered in California pursuant to Section 117503.

(2) Within two business days after the date information regarding a newly hired employee is entered into the State Directory of New Hires.

- (d) Service on an employer of the documents specified in subsections
(a) and (b) may be made by either:
- (1) Electronic means, such as fax or email.
 - (2) First class or express mail.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 5206, 5232 and 5246, Family Code; Section 1088.8,
Unemployment Insurance Code; 15, United States Code, Section 1673(b); 42
United States Code, Section 653a(g); and 45 Code of Federal Regulations,
Section 303.100.

(21) Adopt Section 116102 to read as follows:

Section 116102. Hearing Request Regarding an Income Withholding Order.

If an obligor requests a hearing concerning an income withholding order served upon his/her employer, the local child support agency shall file a copy of the income withholding order with the court and be present at the hearing. If, at the hearing, the court:

(a) Quashes service of the income withholding order, the local child support agency shall provide written notification of the court's order to the obligor's employer within 10 days of receipt of the court order. Such notification shall be sent by first class mail and fax or other electronic means and include a copy of the order quashing the income withholding order.

(b) Modifies the monthly payment due on arrearages, the local child support agency shall serve on the obligor's employer an amended income withholding order that reflects the court-ordered modifications within 10 days of receipt of the court order.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 5246, Family Code.

(22) Adopt Section 116104 to read as follows:

Section 116104. Stay of Service of an Income Withholding Order.

(a) If a court previously ordered that service of an income withholding order be stayed, and the order requires further application to the court to lift the stay, a local child support agency shall make application to the court to terminate the stay within 10 days of any of the following:

(1) An obligor no longer meets the requirements specified in Section 5260, Family Code, for staying an income withholding order for good cause.

(2) An obligor requests termination of the stay.

(3) An obligor has failed to make a payment of support within 30 days of the due date.

(b) A local child support agency shall make application to the court for a lift of stay by filing with the court a declaration, signed under penalty of perjury by the obligee, that the obligor has failed to make timely support payments, within 30 days.

(c) A local child support agency shall be present at any court proceeding of which the local child support agency has received notice that the issue of a stay of service of an income withholding order is properly before the court.

(d) Upon termination of a stay of service, a local child support agency shall serve an income withholding order on the obligor's employer as specified in Section 116100.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 5260 and 5261, Family Code.

(23) Adopt Section 116106 to read as follows:

Section 116106. Terminating an Income Withholding Order.

Within 10 days of any of the following, a local child support agency shall provide written notification by first class mail, fax, or other electronic means, to an obligor's employer to terminate enforcement of an income withholding order:

(a) There is no longer a current order for support and past due support, including any interest and costs has been paid in full.

(b) Upon learning that the child who is the subject of the order has died or is emancipated and past due support, including any interest and costs has been paid in full.

(c) The local child support agency has used locate sources pursuant to Chapter 3 and has not been able to locate and deliver payments to an obligee for a period of six months because the obligee has moved and failed to notify the local child support agency of the change in his/her address and there are no arrears that have been assigned to the State.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section 5240, Family Code; and 45 Code of Federal Regulations, Section 303.100(a)(7).

(24) Adopt Section 116108 to read as follows:

Section 116108. Employer Non-Compliance--Notification Timeframes, Electronic Funds Transfer, and Documentation Requirements.

(a) If an obligor's employer does not comply with an income withholding order by withholding support from an obligor's disposable earnings and forwarding that support to a local child support agency within 45 days of service of the order, the local child support agency shall contact the obligor's employer by telephone to discuss the employer's non-compliance. If the employer contends that he/she did not receive the order, or the local child support agency is unable to make telephone contact with the employer, the local child support agency shall do the following within two business days of making, or attempting to make, telephonic contact:

(1) Fax or electronically transmit a copy of the income withholding order to the obligor's employer, along with a letter indicating that failure to comply with an income withholding order is punishable as contempt.

(2) If the employer cannot receive a fax or other electronic transmission, send by certified mail a copy of the income withholding order along with the letter specified in (a)(1) above.

(b) If an obligor's employer willfully fails to comply with an income withholding order within 30 days of the date the second copy of the income withholding order is served as specified in subparagraph (a), above, a local child support agency shall prepare and file an order to show cause regarding contempt pursuant to Section 116110.

(c) In addition to seeking a court order finding an employer in contempt, as specified in subsection (b), if a local child support agency has electronic funds transfer capability, the local child support agency shall complete and file with the court an order to show cause to request a court order that requires payment of support by electronic funds transfer from the bank account of the obligor's employer, if either of the following conditions exist:

(1) An obligor's employer willfully failed to comply with an income withholding order, or

(2) An obligor's employer failed to comply with an income withholding order on three separate occasions within a 12 month period.

(d) A local child support agency shall personally serve the obligor's employer with a copy of the order to show cause, if either of the conditions specified in subsection (c) above, exist.

(e) A local child support agency shall document in the case record the following information regarding an employer's non-compliance with an income withholding order:

(1) The date the income withholding order was initially served on the employer.

(2) The date(s) of all verbal and/or written notification, including copies of written notification(s).

(3) The date the employer was personally served with the order to show cause required by Section 116110(a)(1).

(4) The date the order to show cause permitted by subsection (c) was served.

(5) Any other information and/or documentation pertaining to the employer's failure to comply with the income withholding order.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
References: Section 5241 and 5245, Family Code.

(25) Adopt Section 116110 to read as follows:

Section 116110. Employer Contempt Procedures.

(a) If an obligor's employer willfully refuses to comply with an income withholding order and/or a court order requiring electronic funds transfer after the notification requirements specified in Section 116108 have been completed, a local child support agency shall do both of the following:

(1) Complete and file with the court an order to show cause and affidavit for contempt and an affidavit of facts constituting contempt.

(2) Personally serve the employer with a copy of the order to show cause and affidavit for contempt filed with the court along with a cover letter that includes, at a minimum, the following:

(A) The date the employer was initially served with the income withholding order.

(B) The date(s) the local child support agency provided both verbal and written notification of the employer's non-compliance.

(C) The date the second copy of the income withholding order was faxed and mailed to the employer, as required by Section 116108(a).

(b) A representative of the local child support agency that files the forms specified in subparagraph (a)(1) shall be present at the hearing at which employer contempt is before the court and provide the court with the documentation specified in Section 116108(e).

(c) A local child support agency may request the court to dismiss an order to show cause if an obligor's employer complies with an income withholding order by the date the issue of employer contempt is before the court.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
References: Section 706.029, Code of Civil Procedures; and Sections 5241 and 5245, Family Code.

(26) Adopt Article 2, and Section 116114 to read as follows:

Article 2. Medical Support Enforcement.

Section 116114. General Requirements.

(a) When a local child support agency determines that an existing child support order for current support does not contain a health insurance coverage provision, except as provided in Subsection (b), the local child support agency shall concurrently:

(1) File a notice of motion or order to show cause with the court to include a health insurance coverage provision in the child support order.

(2) Serve by first class mail, a blank form "Dependent's Health Insurance Information," CSS 4330, dated 04/02, incorporated by reference herein, on the obligor, along with written notification that the form shall be completed by the obligor and returned to the local child support agency within 20 days of the date of the notification.

(3) If an obligor's employer is known, serve by first class mail, a blank form "Employees' Dependent Health Insurance Information," CSS 4333, dated 04/02, incorporated by reference herein, on the employer, along with written notification that the form shall be completed by the employer and returned to the local child support agency within 30 days of the date of the notification.

(b) If a custodial party in a nonpublic assistance case informs the local child support agency that there is private health insurance coverage for his or her child(ren) and does not want enforcement services for health insurance coverage, a local child support agency shall:

(1) Obtain health insurance coverage documentation pursuant to Section 116122, subsection (b)(1), (2), and (4) which shows that the minor child(ren) is currently covered by private health insurance.

(2) Document the evidence of health insurance coverage for the minor child(ren) in the case file.

(c) Upon receipt of a child support order requiring an obligor to provide health insurance coverage, a local child support agency shall take the following actions:

(1) If health insurance coverage is available at a reasonable cost to the obligor's minor child(ren), a local child support agency shall:

(A) Comply with the requirements of Section 116116 for employment-related group health insurance coverage, or

(B) Comply with the requirements of Section 116122 for other group health insurance coverage.

(2) If health insurance coverage is not available at a reasonable cost to an obligor's minor child(ren), a local child support agency shall monitor the case for changes in the obligor's employment status, and/or availability of employment-related health insurance coverage, or other group health insurance.

(A) If information is received that the status of the obligor's employment has changed, or that employment-related health insurance coverage is available, a local child support agency shall serve the National Medical Support Notice, as specified in Section 116116.

(B) If information is received that other group health insurance may be available to an obligor, a local child support agency shall obtain proof of health insurance coverage for the child(ren), as specified in Section 116122.

(d) A local child support agency shall complete a "Medical Insurance Form," DHS 6110 for all public assistance cases with the information required by Title 22, Division 3, Chapter 2, Article 15, Section 50763, and forward the form to the Department of Health Services, Third Party Liability Branch, within 10 business days of the date health insurance coverage enrollment information for the minor child(ren) has been received by the local child support agency.

(e) A local child support agency shall update the "Medical Insurance Form," DHS 6110 specified in subsection (d), and forward the form to the Department of Health Services, Third Party Liability Branch, within 10 business days of the date of notification of any of the following affecting a recipient of public assistance:

- (1) Any health insurance coverage has lapsed.
- (2) Any health insurance coverage provider has changed.
- (3) Any term of the health insurance coverage has changed.
- (4) Any health insurance coverage has been terminated.
- (5) Any medical support order or assignment order has been quashed or set aside by court order.

(f) The local child support agency shall forward any health insurance policy information received from a Plan Administrator to the obligee within 10

business days of the receipt of such information. Health insurance policy information shall include the information specified in Section 116122(b).

(g) A local child support agency shall document the case record and include copies of the forms and notices required by this Article.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections 3751, 3751.5, 3752, 3763, 3767, 3771, 3773, 17400(a), 17422 and 17424, Family Code; and 45 Code of Federal Regulations, Sections 303.31 and 303.32.

(27) Adopt Section 116116 to read as follows:

Section 116116. Serving a National Medical Support Notice--General Requirements and Timeframes.

(a) If an order requiring an obligor to provide health insurance coverage for his/her minor child(ren) exists, a local child support agency shall complete and serve a "National Medical Support Notice (NMSN)," Part A, "Notice to Withhold for Health Care Coverage," OMB 0970-0222, and Part B, "Medical Support Notice to Plan Administrator," OMB 1210-0113, on an obligor's employer, within 10 days of receipt of employer information.

(b) A local child support agency shall specify on the National Medical Support Notice that the total amount withheld for both current support and health insurance premiums shall not exceed 50 percent of the obligor's disposable earnings, or the amount that is indicated on the court order/judgment, whichever is less. If funds are insufficient to withhold for both current support and health insurance premiums, a local child support agency shall:

(1) For public assistance cases, specify that the employer withhold for current support .

(2) For non-public assistance cases, contact the obligee to determine whether he/she chooses to have the employer withhold for either, current support or health insurance premiums and specify the custodial party's decision on the National Medical Support Notice. If the custodial party does not respond within 10 days after the initial contact attempt, then the local child support agency shall specify that the employer withhold for current support.

(c) In addition to the notice specified in subsection (a), a local child support agency also shall serve the following within 15 days on an obligor's employer:

(1) An income withholding order, if:

(A) A current child support order and/or arrearages exist,

and

(B) An income withholding order has not been previously served on the employer.

(2) The form and notice specified in Section 116114 (a)(3).

(3) Written notification that willful failure to comply with a valid National Medical Support Notice may result in both of the following:

(A) Liability to the obligor for the amount incurred in health care services that would otherwise have been covered under the health insurance policy but for the conduct of the employer, or other group providing health insurance coverage, that was contrary to the notice.

(B) Punishment as contempt of court pursuant to Section 1218 of the Code of Civil Procedure.

(4) A written request that the employer provide written notification to the local child support agency within 10 business days of any lapse in health insurance coverage for the minor child(ren) that includes all of the following information:

(A) The reason(s) for the lapse in health insurance coverage.

(B) Whether or not the lapse is temporary.

(C) The date upon which coverage is anticipated to resume, if the lapse is temporary.

(5) Written notification that the employer is required to deliver a copy of the National Medical Support Notice to the obligor within 10 days of receipt of the order, along with a written statement of the obligor's rights and the procedures under the law to seek to quash such an order.

(d) The documents specified in subsections (a), and (c) shall be served by first class mail within the timeframe specified in Section 116100(c)(2).

NOTE: Authority cited: Sections 17306, 17310, 17312, and 17512 Family Code. Reference: Section 706.052, Code of Civil Procedure; Sections 3764, 3768, 3771, and 3773, Family Code; 15 United States Code, Section 1673(b); and 45 Code of Federal Regulations, Section 303.32.

(28) Adopt Section 116118 to read as follows:

Section 116118. Processing the National Medical Support Notice.

(a) Upon receipt of a completed National Medical Support Notice, Part A, from an obligor's employer indicating that court-ordered health insurance coverage for the minor child(ren) cannot be provided, a local child support agency shall:

(1) Provide written notification to the obligor within 10 business days of receipt of Part A that other group health insurance coverage must be provided when it is available at no or reasonable cost.

(2) Provide written notification to the obligee within 10 business days of receipt of Part A that the court-ordered health insurance coverage cannot be enforced for one of the following reasons:

(A) The obligor's employer does not maintain or contribute to a plan providing dependent or family health care coverage.

(B) The obligor is among a class of employees ineligible for family health coverage under any group health plan maintained by the employer or to which the employer contributes.

(C) The obligor is no longer employed by the employer.

(D) State or federal withholding limitations prevent withholding from the obligor's disposable earnings the amount required to obtain coverage under the terms of the employer's group health insurance plan.

(3) Request written or oral notification from the obligor's employer within 15 days of any change in status or circumstance which would result in the obligor's eligibility for health insurance coverage.

(b) Upon receipt of a completed National Medical Support Notice, Part B, indicating that the minor child(ren) of the obligor is/are, or will be enrolled under the obligor's health insurance coverage, a local child support agency shall take the action required by Section 116114(d), if obligor's child(ren) is/are receiving public assistance.

(c) Upon receipt of a completed National Medical Support Notice, Part B, from a Plan Administrator indicating there is more than one option available under a health insurance coverage plan, and the obligor is not enrolled in any option under the plan or refuses to enroll in one of the options, a local child support agency shall:

(1) Provide written notification to the obligee within five business days of receipt of Part B of all of the following:

(A) A description of the health insurance coverage plan options available through the obligor's employment, including whether additional obligor contributions will be necessary by the obligor to obtain coverage for the child(ren) under each option, and whether there is a limited service area for any option.

(B) Notice that the obligee must select a plan for the child(ren) from the available health insurance plans within 10 days of receipt of the written notification from the local child support agency.

(C) Notice that failure by the obligee to select a health insurance coverage plan option within 10 days of receipt of the written notification from the local child support agency will result in enrollment of the child(ren) in the default option, if any.

(D) Notice that if the plan does not have a default option the local child support agency shall determine and select the available plan that will provide the lowest cost plan that provides coverage where the child resides.

(2) Provide written notification to the Plan Administrator, within 20 business days after the postmark date of the receipt of Part B, of the option selected by the obligee or the local child support agency.

(d) Upon receipt of a completed National Medical Support Notice, Part B, indicating that the notice does not constitute a qualified medical child support order because:

(1) The name or mailing address of the minor child(ren) or obligor is unavailable, a local child support agency shall take all actions necessary to obtain missing information, including accessing all appropriate locate sources specified in Section 113100, and resubmit a National Medical Support Notice to the Plan Administrator within five business days after obtaining all necessary information.

(2) The child(ren) identified in the notice is/are at or above the age at which dependents are no longer eligible for coverage under the plan, a local child support agency shall verify the information provided to the Plan

Administrator is correct within five business days of the receipt of the completed Part B.

(A) If erroneous information pertaining to the age of the child(ren) was provided, a local child support agency shall inform the Plan Administrator in writing, by telephone, or electronic means of the error and provide documentation to the Plan Administrator verifying the age of the child(ren) within five business days of the receipt of the completed Part B.

(B) If the child(ren) is/are at or above the age at which dependents are no longer eligible for coverage under the plan, a local child support agency shall provide written notification of such to the obligee within five business days of receipt of the completed Part B.

(e) A local child support agency shall provide written notification to an obligee within five business days of receiving notice from a Plan Administrator of notice of any lapse of health insurance coverage for the minor child(ren).

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 3751.5, 3752(c), 3766, 3773, and 17422, Family Code; and
45 Code of Federal Regulations, Section 303.32.

(29) Adopt Section 116120 to read as follows:

Section 116120. Terminating a National Medical Support Notice.

(a) A local child support agency shall terminate the National Medical Support Notice within 10 days of obtaining any of the following documentation:

(1) An order for medical support was quashed or terminated by the court.

(2) An order for medical support is no longer in effect.

(3) Proof that the child(ren) has died or reached the age of emancipation.

(4) A request in writing from an obligee in a nonpublic assistance case to cease medical support establishment and enforcement services. The local child support agency shall follow procedures pursuant to Section 116114(b).

(5) A request in writing from an obligee in a nonpublic assistance case to close a case.

(b) Upon terminating the National Medical Support Notice for any reasons specified in subsection (a), the local child support agency shall update the case file and notify the obligor, obligee and the obligor's employer in writing of the following:

(1) If the National Medical Support Notice was terminated for the reasons specified in either subsection (a)(1), (2), or (3), that there is no longer a

current order for medical support in effect and that the obligor may continue health insurance coverage voluntarily for any qualifying dependents.

(2) If the National Medical Support Notice was terminated for the reason specified in either subsection (a)(4) or (5), that there is still a medical support order in effect, that the obligor must continue health insurance coverage for the child(ren) unless the order for health insurance is terminated by the court, and that the obligor may continue health insurance coverage voluntarily for any other qualifying dependents.

(c) If the local child support agency is notified that the health insurance coverage is terminated or changed, the local child support agency shall complete the "Medical Insurance Form" DHS 6110 pursuant to Section 116114.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections 3751.5 and 3770, Family Code; and 45 Code of Federal Regulations, Section 303.32.

(30) Adopt Section 116122 to read as follows:

Section 116122. Other Health Insurance Coverage .

(a) If an order requiring an obligor to provide health insurance coverage for his/her minor child(ren) exists, and other group health insurance coverage is available, or the court ordered individual health insurance coverage, a local child support agency shall request in writing, proof of health insurance coverage from the obligor, or the entity providing other group health insurance.

The request shall:

(1) Be made within 10 days of service of the order on the obligor requiring the provision of health insurance coverage; and

(2) Include a written statement of the obligor's right and the procedures under the law to seek to quash the order.

(b) Proof of health insurance coverage shall include, but not be limited to:

(1) The health insurance membership or identification card(s) for the child(ren).

(2) The evidence of coverage and disclosure form from the health insurance provider.

(3) Claim forms and other documents necessary to submit claims.

(4) Any other pertinent information provided to the obligor, or received from the entity providing other group health insurance coverage, about health insurance coverage for the child(ren).

(c) The local child support agency shall request in writing that the other group health insurance provider provide written notification to the local child support agency within 10 business days of any lapse in health insurance coverage for the minor child(ren) that includes all of the following information:

(A) The reason(s) for the lapse in health insurance coverage.

(B) Whether or not the lapse is temporary.

(C) The date upon which coverage is anticipated to resume, if the lapse is temporary.

(d) Within five business days of receipt of the information specified in subsection (b), a local child support agency shall provide the obligee with such information.

(e) A local child support agency shall review the case for civil or criminal prosecution of an obligor if the obligor has willfully failed to provide health insurance coverage as ordered by the court.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: 3751, 3751.5, 3752, Family Code.

(31) Adopt Section 116124 to read as follows:

Section 116124. Employer Non-Compliance and Employer Contempt Procedures.

(a) If an obligor's employer does not comply with a National Medical Support Notice within the timeframe specified in the notice, a local child support agency shall follow the procedures and document the case record as specified in Section 116108(e).

(b) If an obligor's employer willfully refuses to comply with the National Medical Support Notice after the notification requirements specified in Section 116108 have been completed, a local child support agency shall do both of the following:

(1) Complete and file with the court an order to show cause.

(2) Personally serve the employer with a copy of the order to show cause and affidavit for contempt filed with the court along with a cover letter that includes, but is not limited to, the following :

(A) The date(s) the employer was initially served with the National Medical Support Notice.

(B) The date(s) that the local child support agency provided both verbal and written notification of the employer's non-compliance.

(C) The date that the second copy of the National Medical Support Notice was faxed and mailed to the employer.

(c) A representative of the local child support agency that files the forms specified in subsection (a)(1) shall be present at the hearing at which

employer contempt is properly before the court and provide the court with the documentation specified in subsection (b)(2).

(d) A local child support agency may request the court to dismiss an order to show cause if an obligor's employer complies with a National Medical Support Notice by the date the issue of the employer contempt is properly before the court.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 3766 and 3768, Family Code.

(32) Adopt Article 3 and Section 116130 to read as follows:

Article 3. Real Property Liens.

Section 116130. Recording/Creating Real Property Liens.

(a) A local child support agency shall record a real property lien against the real property of an obligor to obtain compliance with money judgments or orders enforced by a local child support agency pursuant to Title IV-D of the Social Security Act. A local child support agency shall prepare and submit for recording a real property lien within 15 days of the date a money judgment or order is received by the local child support agency, a case is opened for enforcement of an existing order or judgment, or an existing order is registered for enforcement. A local child support agency shall not record a real property lien when the order indicates a zero support amount, or when the order is reserved.

(b) A local child support agency shall not record a real property lien against the real property of an obligor who has filed for bankruptcy under Chapter 13, except in those instances where the real property is not part of the bankruptcy estate.

(c) A local child support agency shall record a real property lien for the following types of cases:

(1) Intercounty responding cases.

(2) Intracounty cases.

(3) Interstate initiating cases. Real property liens shall only be recorded if the obligor is known to have or is likely to acquire real property interests in California.

(4) Interstate responding cases.

(d) A local child support agency shall record a real property lien by recording with the county recorder one of the following:

(1) An abstract of support judgment.

(2) A certified copy of the order/money judgment.

(3) A federal Notice of Lien. The local child support agency shall record such a lien in another state when the custodial party resides in California and the noncustodial parent resides in a state other than California only if the local child support agency does not request enforcement by another state through the two-state interstate process as specified in Chapter 7.

(e) A local child support agency shall record a real property lien as follows:

(1) In the county where the obligor resides.

(2) In the counties where the parent(s) of the obligor resides, if known and if different from the county of the obligor.

(3) In the counties where the obligor is known to have, or could reasonably be expected to acquire, real property.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections 674, 697.060, and 697.320, Code of Civil Procedure; Sections 4506.1-4506.2, Family Code; 11 United States Code, Sections 362(b)(2)(B) and 523(a)(18); 42 United States Code Section 666(a)(4); and 45 Code of Federal Regulations, Section 302.70(a)(4).

(33) Adopt Section 116132 to read as follows:

Section 116132. Satisfaction of Judgment/Substitution of Payee.

(a) Upon satisfaction of a support obligation, a local child support agency shall within the time frames established in subsections (c) through (f) file a full satisfaction of judgment, a partial satisfaction of judgment, or a matured installment satisfaction by doing both of the following:

(1) File an acknowledgment of satisfaction of judgment with the court; and

(2) Provide the obligor with an acknowledgement of satisfaction of judgment that can be recorded in any county in which an abstract of support judgment, or certified copy of the judgment was filed.

(b) For all cases enforced by a local child support agency pursuant to Title IV-D of the Social Security Act, a local child support agency shall take one of the following actions as specified in subsections (c) through (f), as appropriate to the case.

(c) A local child support agency shall prepare a full satisfaction of judgment in the following circumstances:

(1) In those cases where the local child support agency recorded a certified copy of the judgment or order for support or an abstract of support judgment, only when all of the support arrears have been paid in full and all of the children subject to the support order have emancipated. Within 20 days of case closure, a full satisfaction of judgment shall be prepared for signature as follows:

(A) By the custodial party and a representative of the local child support agency in cases where some or all of the support was due to the custodial party as unassigned support. If the custodial party refuses to sign the satisfaction, the local child support agency shall inform the custodial party that the local child support agency will either:

1. Prepare a release of lien in accordance with Section 116134(c), or
2. Prepare a substitution of payee in accordance with subsection (f)(2).

(B) By a representative of the local child support agency where all of the support was due to the county as assigned support.

(2) In any other situation where the local child support agency determines it would be appropriate to record a full satisfaction of judgment.

(d) The local child support agency shall prepare a partial satisfaction judgment in the following circumstances:

(1) In those cases where the local child support agency recorded a certified copy of the judgment or order for support or an abstract of support judgment, only when all of the support arrears have been paid in full, all of the children subject to the support order have not emancipated, but there is no order for current support in effect. Within 20 days of case closure, a partial satisfaction judgment shall be prepared for signature as follows:

(A) By the custodial party and a representative of the local child support agency in cases where some or all of the support was due to

the custodial party as unassigned support. If the custodial party refuses to sign the satisfaction, the local child support shall inform the custodial party that the local child support agency will either:

1. Prepare a partial release of lien in accordance with Section 116134(c), or
2. Prepare a substitution of payee in accordance with subsection (f)(2).

(B) By a representative of the local child support agency where all of the support was due to the county as assigned support.

(2) In any other situation where the local child support agency determines it would be appropriate to record a partial satisfaction of judgment.

(e) Upon request of a representative of title and/or escrow company or the obligor or the custodial party, the local child support agency shall prepare a matured installment satisfaction of judgment for signature by a representative of the local child support agency only when all of the support arrears have been paid in full and some or all of the children subject to the support order have not reached the age of emancipation as specified in Family Code Section 3901.

(f) The local child support agency shall prepare a substitution of payee in the following circumstances:

- (1) The non-public assistance custodial party has requested that the local child support agency close the case, the custodial party has given permission to the local child support agency to disclose a mailing address to the obligor for payments, and unassigned current support and/or unassigned arrears

are due to the custodial party. The local child support agency shall specify on a notice regarding payment of support, that payments for current support and unassigned arrears shall be paid to the custodial party and, if any assigned arrears remain unpaid and due to the county, that payments for assigned arrears shall be paid to the local child support agency. The assigned arrears portion of the case shall remain open until such time the case qualifies for case closure as specified in Chapter 8.

(2) The local child support agency has determined all of the support arrears for which the local child support agency provided enforcement services have been paid in full and a full or partial satisfaction would otherwise be appropriate but the custodial party refuses to sign such a satisfaction, and the custodial party alleges that other support arrears are still due the custodial party and the custodial party has given permission to the local child support agency to disclose a mailing address to the obligor for payments.

(3) The local child support agency has transferred its case to another local child support agency in California for Title IV-D services. In this situation, the transferring local child support agency shall complete and file a notice regarding payment of support and specify that payments for current support and arrearages shall be paid to the address of the local child support agency to which the case was transferred. A notice regarding payment of support shall be completed and filed with the court within five days of case closure by the transferring county.

(4) In any other situation where the local child support agency determines it would be appropriate to record a substitution of payee.

NOTE: Authority cited: Sections 17306 and 17310, Family Code.
Reference: Sections 724.010, 724.030, 724.040, 724.060, 724.120 and 724.250, Code of Civil Procedure; Sections 4201 and 4204, Family Code; and 45 Code of Federal Regulations, Section 302.70.

(34) Adopt Section 116134 to read as follows:

Section 116134. Releasing Real Property Liens.

A local child support agency shall release real property liens by providing to the obligor the release of lien documents to be recorded by the obligor with the county recorder, or a local child support agency shall release real property liens by recording the release of lien documents with the county recorder. A local child support agency shall process the release of real property liens in the following situations:

(a) When a written demand is received from a property owner for a recordable document releasing the lien and proof is provided by the property owner to the satisfaction of the local child support agency that the property upon which the lien has been created is owned by a person who is not the obligor but has the same or similar name as the obligor. Within 15 days of receipt of such written demand and proof, a local child support agency shall record the release.

(b) When a court order has been received by a local child support agency to prepare and deliver to the property owner a recordable document releasing the lien, unless such order has been appealed and the action ordered is stayed pending the appeal. The documentation shall be prepared and delivered within the time frames established by the court order or within 15 days from receipt of the court order, whichever is less.

(c) When a local child support agency has determined all of the support arrears for which the local child support agency provided enforcement services have been paid in full and a full or partial satisfaction would otherwise

be appropriate but the custodial party refuses to sign such a satisfaction and has not given permission to the local child support agency to disclose a mailing address to the obligor for payment, and the custodial party alleges that other support arrears are still due the custodial party.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 697.410, Code of Civil Procedure.

(35) Adopt Article 4 and Section 116140 to read as follows:

Article 4. Credit Reporting Agencies.

Section 116140. Reporting Child Support Obligations and Arrearages--General Requirements and Timeframes.

(a) Each local child support agency shall compile and maintain a list of obligors who have child support obligations ordered by a court, administrative agency or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage, whether or not arrearages are owed, and submit a certified list of those obligors to the Department, as specified in subsection (d), for subsequent consolidation and submission to credit reporting agencies.

(b) The list required by subsection (a) shall include, at a minimum, the following data for each obligor. The obligor's:

(1) Name(s).

(2) Date of birth.

(3) Last known address.

(4) Social Security Number.

(5) Current and past due child support debt amounts.

(c) Prior to including an obligor's arrearage data on the list required by subsection (a), a local child support agency shall do all of the following:

(1) Prepare a copy of the obligor's payment record, or obtain an affidavit signed by the obligee attesting to the amount of support owed.

(2) Ensure the case record contains a copy of the order, including any modifications to the order.

(3) Verify the accuracy of the obligor's name(s) and Social Security Number.

(4) Ensure the case record contains the obligee's last known address, if the obligee is not receiving public assistance.

(5) Verify the arrears by determining whether there are any former CalWORKs or foster care assigned arrears in addition to the arrears that accrued when the obligee was not receiving public assistance.

(d) When the list required by subsection (a) is transmitted to the Department, the director of the local child support agency, or his/her designee, shall complete and sign a "Child Support Credit Reporting/State Licensing Match Transmittal," CS 914, dated (8/02), incorporated by reference herein, to transmit the list and to certify the following under penalty of perjury:

(1) The requirements of subsection (c)(1) through (5) have been met.

(2) The compilation of the list was supervised by the director of the local child support agency or his/her designee.

(e) Prior to the initial reporting of a child support obligation or an arrearage to the Department, a local child support agency shall provide written notification to an obligor at his/her last known address of the proposed release of information to credit reporting agencies, and the detail of that information, and allow the obligor 30 days from the date of the written notice to contest the accuracy of the information, or to pay the arrearage, if any.

(1) If an obligor fails to contest the accuracy of the information in writing within 30 days of the date of the notice, a local child support agency shall include that obligor on the list submitted to the Department pursuant to subsection (f).

(2) If an obligor provides timely written notification that he/she wishes to contest the accuracy of the information, that notification shall be deemed a request for complaint resolution and the local child support agency shall delay submission of the obligor's information until the requirements of Article 2 of Chapter 10, commencing with Section 120100, have been completed.

(3) If an obligor pays an amount to satisfy an arrearage in whole or in part within the 30-day timeframe, a local child support agency shall revise the arrearage balance for that obligor prior to submitting the information specified in subsection (b)(5) to the Department pursuant to subsection (f).

(f) Each local child support agency shall submit to the Department monthly updates to the list specified in subsection (a) through electronic media. The updates shall be submitted by the 12th day of the month following the month being reported. The monthly update shall contain all new obligors for whom the local child support agency has completed the requirements specified in subsection (e), and either:

(1) All obligors submitted the previous month, including those obligors with changes to the information previously reported, such as, a change in case status or arrearage balance, or

(2) Only those obligors with changes to the information previously reported.

(g) In cases in which a child support collection is made by one county for a case being enforced in another county, the county enforcing the case shall submit the information specified in subsection (b) to the Department.

(h) In interstate cases when California is the responding state, a local child support agency shall submit the information specified in subsection (b) to the Department.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section 4701, Family Code; 42 United States Code, Section 666(a)(7); and 45 Code of Federal Regulations, Section 302.70(a)(7).

(36) Repeal Chapter 7 Interstate Cases, Article 1 Definitions, Section 117042 to read as follows:

Chapter 7. Interstate Cases.
Article 1. Definitions

~~Section 117042. Income Withholding Order.~~

~~“Income withholding order” means an earnings assignment order for support, as defined in Family Code, Section 5208, or any other order or legal process directed to an obligor’s employer, or other debtor of the obligor, to withhold from the income of the obligor an amount owed for support. Any earnings assignment order for support or income withholding order issued by a local child support agency shall be issued on Federal Form (OMB No.: 0970-0154) “Order/Notice to Withhold Income for Child Support.”~~

~~NOTE: Authority cited: Sections 17306, 17310, 17312, Family Code.
Reference: Sections 4901 and 5208, Family Code.~~

(37) Repeal Manual of Policies and Procedures Section 12-107 as follows:

~~12-107 TIME STANDARDS - ENFORCEMENT OF SUPPORT ORDERS 12-107~~

~~.3 The district attorney shall serve a wage assignment on the absent parent's employer within 15 calendar days of:~~

~~.31 When the support order was entered, unless the wage assignment has been stayed or an alternative arrangement exists; or~~

~~.32 When the absent parent changes employment, and the new employer's address is known; or~~

~~.33 When the employer's address is located, in those cases in which the employer's address had been unknown.~~

~~NOTE: Authority cited: Sections 10553, 10554 and 11475, Welfare and Institutions Code. Reference: Section 11479.5, Welfare and Institutions Code; and 45 CFR 303.6, 303.72, 303.100, (b), (f)(2), and 303.102.~~

(38) Repeal Manual of Policies and Procedures Section 12-224 as follows:

~~12-224 PROGRAM PERFORMANCE STANDARDS - ENFORCEMENT 12-224~~

- ~~.3 The district attorney shall petition the court for a wage assignment for any support order established or modified after July 1, 1990.~~
- ~~.31 In addition to the current support due, the district attorney shall petition for an amount to be applied toward any overdue support.~~
- ~~.32 To initiate withholding pursuant to a wage assignment, the district attorney shall serve the absent parent's employer the wage assignment and a notice containing all of the following information:~~
 - ~~.321 The amount to be withheld from the absent parent's wages and a statement that such amount may not exceed the statutory maximum.~~
 - ~~.322 A statement informing the employer that the employer may deduct a fee of one dollar, in addition to the amount withheld, for administrative costs incurred for each withholding.~~
 - ~~.323 A statement informing the employer that the withholding order is binding upon the employer until further notice.~~
 - ~~.324 A statement informing the employer that the employer is subject to a maximum fine of 500 dollars for any of the following reasons:
 - ~~(a) Discharging an absent parent because of the withholding order.~~
 - ~~(b) Taking disciplinary action against an absent parent because of the withholding order.~~
 - ~~(c) Refusing to hire an absent parent because of a withholding order.~~~~
 - ~~.325 A statement informing the employer that the employer is liable for the accumulated amount which should have been withheld if the employer refuses to withhold wages as directed.~~
 - ~~.326 A statement informing the employer that the assignment for support has priority over any other legal process under state law against the same wages.~~
 - ~~.327 A statement informing the employer that the employer may combine withheld amounts from all absent parents in a single payment to each agency requesting withholding and separately identifying the portion of the payment which is attributable to each absent parent.~~
 - ~~.328 A statement directing the employer to do the following:~~

- ~~(a) Implement the withholding no later than the first pay period which occurs after 14 calendar days following the date the notice was mailed.~~
 - ~~(b) Forward amounts withheld to the district attorney within 10 calendar days of the date the absent parent is paid.~~
 - ~~(c) Notify the district attorney of the date the earnings were withheld.~~
- ~~.329 A statement directing the employer to notify the district attorney in writing when the absent parent terminates employment, including the following information:~~
- ~~(a) The absent parent's last known address.~~
 - ~~(b) The name and/or address of the absent parent's new employer, if known.~~
- ~~.33 If the absent parent changes employment, the district attorney shall serve the wage assignment on the absent parent's new employer, if known, within 15 calendar days.~~
- ~~.331 If the new employer's address is not known, the district attorney shall serve the wage assignment within 15 calendar days of locating the employer's address.~~
- ~~.332 The district attorney shall notify the new employer that the wage assignment is binding until further notice.~~
- ~~.34 The district attorney shall maintain and follow procedures that ensure that the noncustodial parent is refunded the amount improperly withheld within 15 calendar days of discovering the error.~~

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; 45 CFR 302.31(a)(2); 303.6, and 303.100(a), (a)(8), (b), (d), (f)(1)(ii) and (iv); and Sections 4390.3, .10, and .17, California Civil Code.

(39) Repeal Manual of Policies and Procedures Section 12-228 as follows:

~~12-228 PROGRAM PERFORMANCE STANDARDS - MEDICAL SUPPORT 12-228~~

~~.7 The district attorney shall attempt to enforce medical support orders.~~

~~.71 Enforcement remedies include, but are not limited to:~~

~~.711 Contacting absent parents.~~

~~.712 Contacting absent parents' employers.~~

~~.713 Obtaining health insurance coverage assignments.~~

~~.8 The district attorney shall not provide medical support services to a person who is not receiving aid without first obtaining the person's consent.~~

~~.81 Consent shall not be required for cases on behalf of families which cease to receive aid but continue to receive Child Support Enforcement Program services unless medical support services have not previously been provided.~~

~~NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 303.30(a) and (b), and .31(b) and (c).~~

(40) Repeal Manual of Policies and Procedures Chapter 12-600 as follows:

~~TABLE OF CONTENTS~~
~~CHAPTER 12-600 REAL PROPERTY LIENS~~

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(41) Repeal Manual of Policies and Procedures Section 12-601 as follows:

12-601 **DEFINITION** **12-601**

~~.1 Definitions of terms used in these regulations, which are common to the Child Support Enforcement Program, are found in MPP Section 12-701.~~

~~.2 When used in these regulations, unless the context otherwise indicates:~~

~~a. (Reserved)~~

~~b. (Reserved)~~

~~c. (Reserved)~~

~~d. (Reserved)~~

~~e. (Reserved)~~

~~f. (Reserved)~~

~~g. (Reserved)~~

~~h. (Reserved)~~

~~i. (1) Initiating cases -- means those cases in which the county commences the child support action.~~

~~(2) Intercounty cases -- means those cases in which more than one California county is involved in the support action.~~

~~(3) Interstate cases -- means those cases in which more than one state is involved in the support action.~~

~~(4) Intracounty cases -- means those cases in which only one jurisdiction within a state or a single county is involved in the support action.~~

~~j. (Reserved)~~

~~k. (Reserved)~~

~~l. Lien -- means a charge or encumbrance on real property.~~

~~m. (Reserved)~~

~~n. (Reserved)~~

~~o. (Reserved)~~

~~p. (Reserved)~~

~~q. (Reserved)~~

~~r. Responding cases -- means those cases in which the county receives the child support action for purposes of enforcement.~~

~~s. (Reserved)~~

~~t. (Reserved)~~

~~u. (Reserved)~~

~~v. (Reserved)~~

~~w. (Reserved)~~

~~x. (Reserved)~~

~~y. (Reserved)~~

~~z. (Reserved)~~

~~NOTE: Authority cited: Section 11475, Welfare and Institutions Code. Reference: 45 CFR Section 303.103.~~

(42) Repeal Manual of Policies and Procedures Section 12-602 as follows:

~~12-602~~ ~~GENERAL REQUIREMENTS~~ ~~12-602~~

~~.1 Each district attorney shall record all support orders/judgments to create liens against real property.~~

~~NOTE: Authority cited: Section 11475, Welfare and Institutions Code. Reference: 45 CFR Sections 303.103 and 305.52 and Section 697.320, California Code of Civil Procedure.~~

(43) Repeal Manual of Policies and Procedures Section 12-603 as follows:

~~12-603 CASES TO BE RECORDED 12-603~~

~~.1 The district attorney shall create a real property lien in the following types of cases:~~

~~.11 Intracounty cases;~~

~~.12 Intercounty responding cases;~~

~~.13 Interstate responding cases; and~~

~~.14 Interstate initiating cases.~~

~~.141 Liens shall be created in these cases only if the absent parent is known to have, or is likely to acquire, real property interests in California.~~

~~NOTE: Authority cited: Section 11475, Welfare and Institutions Code. Reference: 45 CFR Sections 303.103 and 305.52 and Section 697.320, California Code of Civil Procedure.~~

(44) Repeal Manual of Policies and Procedures Section 12-604 as follows:

~~12-604 WHEN TO RECORD 12-604~~

~~.1 The district attorney shall create a lien at the time that each new order, or modification to an existing order, is entered.~~

~~.11 Liens in existing cases shall be created as the cases are processed by the district attorney.~~

~~NOTE: Authority cited: Section 11475, Welfare and Institutions Code. Reference: 45 CFR Sections 303.103 and 305.52 and Section 697.320, California Code of Civil Procedure.~~

(45) Repeal Manual of Policies and Procedures Section 12-605 as follows:

~~12-605 WHERE TO RECORD 12-605~~

~~.1 The district attorney shall record real property liens:~~

~~.11 In the county in which the absent parent resides;~~

~~.12 In the county in which the absent parent's parent(s) reside, if known and different from the absent parent's county; and~~

~~.13 In any other county in which the absent parent is known to have, or could reasonably be expected to acquire, real property.~~

~~NOTE: Authority cited: Section 11475, Welfare and Institutions Code. Reference: 45 CFR Sections 303.103 and 305.52 and Section 697.320, California Code of Civil Procedure.~~

(46) Repeal Manual of Policies and Procedures Section 12-606 as follows:

~~12-606~~ **WHAT TO RECORD** ~~12-606~~

~~.1 The district attorney shall record one of the following:~~

~~.11 An abstract of support judgment or~~

~~.12 A certified copy of the judgment.~~

~~.2 All liens shall be extended and re-recorded unless the judgment is satisfied or the judgment lien is released.~~

~~NOTE: Authority cited: Section 11475, Welfare and Institutions Code. Reference: Section 697.320, California Code of Civil Procedure.~~

- (47) Adopt form CSS 4330, "Dependent Health Insurance Information", dated (4/20/02) as follows:

DEPENDENT HEALTH INSURANCE INFORMATION

Page 1 of 2

LCSA Case No.:

TO:

Custodial Party:

FROM:

SECTION I: HEALTH INSURANCE

YOUR POLICY NO.	POLICY START DATE (Month, Day, Year)	END DATE (Month, Day, Year)
HEALTH INSURANCE COMPANY (for covered dependents)		
INSURANCE COMPANY'S ADDRESS: Street, Unit No. (Address where claims are mailed)		
City, State, Zip Code		PHONE NO: Include Area Code
NAME(S) OF DEPENDENTS COVERED BY HEALTH INSURANCE	DEPENDENT'S POLICY NO.	
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
<input type="checkbox"/> Check here if names & policy numbers of additional dependents covered by Health Insurance are listed on a separate sheet attached.		

The policy covers the following: (Check all that apply)		
<input type="checkbox"/> Doctor Visits	<input type="checkbox"/> Medicare Supplemental	<input type="checkbox"/> Specific Illness
<input type="checkbox"/> Prescription Drugs	<input type="checkbox"/> Long Term Care	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Hospital Stays	<input type="checkbox"/> Hospital Outpatient (i.e., lab work/physical therapy)	_____ _____

Is Dental included in the Health Insurance? ☐ YES ☐ NO **IF YES**, do not complete Section II.Is Vision included in the Health Insurance? ☐ YES ☐ NO **IF YES**, do not complete Section III.**SECTION II: DENTAL INSURANCE**

YOUR POLICY NO.	POLICY START DATE (Month, Day, Year)	END DATE (Month, Day, Year)
DENTAL INSURANCE COMPANY (for covered dependents)		
INSURANCE COMPANY'S ADDRESS: Street, Unit No. (Address where claims are mailed)		
City, State, Zip Code		PHONE NO: Include Area Code

SECTION II: DENTAL INSURANCE (CONTINUED)

NAME(S) OF DEPENDENTS COVERED BY DENTAL INSURANCE	DEPENDENT S POLICY NO.
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

☐ Check here if names & policy numbers of additional dependents covered by Dental Insurance are listed on a separate sheet attached.

SECTION III: VISION INSURANCE

YOUR POLICY NO.	POLICY START DATE (Month, Day, Year)	END DATE (Month, Day, Year)
VISION INSURANCE COMPANY (for covered dependents)		
INSURANCE COMPANY'S ADDRESS: Street, Unit No. (Address where claims are mailed)		
City, State, Zip Code		PHONE NO: Include Area Code

NAME(S) OF DEPENDENTS COVERED BY VISION INSURANCE	DEPENDENT S POLICY NO.
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

☐ Check here if names & policy numbers of additional dependents covered by Vision Insurance are listed on a separate sheet attached.

SECTION IV - (MUST BE COMPLETED)

- ☐ I have enclosed the insurance card(s)/information about the coverage for the children.
- ☐ At this time I do not have the insurance card(s)/information about the coverage for the children. I will send the materials to you when I receive it from the insurance company.
- ☐ At this time I do not have health insurance coverage available to my children through my employer. I understand that if it becomes available, I will have to add my children onto the plan and notify the local child support agency of the coverage.

SIGNATURE: _____ DATE: _____

- (48) Adopt form CSS 4333, "Employee's Dependent Health Insurance Information", dated (4/20/02) as follows:

EMPLOYEE'S DEPENDENT HEALTH INSURANCE INFORMATION

Page 1 of 2

TO:

Member ID:

Employee's Name:

FROM:

SSN:

SECTION I: HEALTH INSURANCE

EMPLOYEE'S POLICY NO.	POLICY START DATE (Month, Day, Year)	END DATE (Month, Day, Year)									
HEALTH INSURANCE COMPANY (for covered dependents)											
INSURANCE COMPANY'S ADDRESS: Street, Unit No. (Address where claims are mailed)											
City, State, Zip Code											
NAME(S) OF DEPENDENTS COVERED BY HEALTH INSURANCE	DEPENDENT'S POLICY NO.										
1.											
2.											
3.											
4.											
5.											
6.											
7.											
8.											
<input type="checkbox"/> Check here if names & policy numbers of additional dependents covered by Health Insurance are listed on a separate attached sheet.											
<div style="border: 1px solid black; padding: 5px;">The policy covers the following: (Check all that apply)<table style="width: 100%;"><tr><td><input type="checkbox"/> Doctor Visits</td><td><input type="checkbox"/> Medicare Supplemental</td><td><input type="checkbox"/> Specific Illness</td></tr><tr><td><input type="checkbox"/> Prescription Drugs</td><td><input type="checkbox"/> Long Term Care</td><td><input type="checkbox"/> Other: _____</td></tr><tr><td><input type="checkbox"/> Hospital Stays</td><td><input type="checkbox"/> Hospital Outpatient (i.e., lab work/physical therapy)</td><td>_____</td></tr></table></div>			<input type="checkbox"/> Doctor Visits	<input type="checkbox"/> Medicare Supplemental	<input type="checkbox"/> Specific Illness	<input type="checkbox"/> Prescription Drugs	<input type="checkbox"/> Long Term Care	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Hospital Stays	<input type="checkbox"/> Hospital Outpatient (i.e., lab work/physical therapy)	_____
<input type="checkbox"/> Doctor Visits	<input type="checkbox"/> Medicare Supplemental	<input type="checkbox"/> Specific Illness									
<input type="checkbox"/> Prescription Drugs	<input type="checkbox"/> Long Term Care	<input type="checkbox"/> Other: _____									
<input type="checkbox"/> Hospital Stays	<input type="checkbox"/> Hospital Outpatient (i.e., lab work/physical therapy)	_____									
Is Dental included in the Health Insurance? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, do not complete Section II.											
Is Vision included in the Health Insurance? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, do not complete Section III.											

SECTION II: DENTAL INSURANCE

EMPLOYEE'S POLICY NO.	POLICY START DATE (Month, Day, Year)	END DATE (Month, Day, Year)
DENTAL INSURANCE COMPANY (for covered dependents)		
INSURANCE COMPANY'S ADDRESS: Street, Unit No. (Address where claims are mailed)		
City, State, Zip Code		

SECTION II: DENTAL INSURANCE (CONTINUED)

NAME(S) OF DEPENDENTS COVERED BY DENTAL INSURANCE	DEPENDENT'S POLICY NO.
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

☐ Check here if names & policy numbers of additional dependents covered by Dental Insurance are listed on a separate attached sheet.

SECTION III: VISION INSURANCE

EMPLOYEE'S POLICY NO.	POLICY START DATE (Month, Day, Year)	END DATE (Month, Day, Year)
-----------------------	--------------------------------------	-----------------------------

VISION INSURANCE COMPANY (for covered dependents)

INSURANCE COMPANY'S ADDRESS: Street, Unit No. (Address where claims are mailed)

City, State, Zip Code

NAME(S) OF DEPENDENTS COVERED BY VISION INSURANCE	DEPENDENT'S POLICY NO.
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

☐ Check here if names & policy numbers of additional dependents covered by Vision Insurance are listed on a separate attached sheet.

SECTION IV - (MUST BE COMPLETED)

☐ I have enclosed the insurance card(s)/information about the coverage for the children.

☐ At this time I do not have the insurance card(s)/information about the coverage for the children. I will send the materials to you when I receive it from the insurance company.

SIGNATURE: _____

DATE: _____

PRINTED NAME: _____

TITLE: _____

- (49) Adopt form CS 914, "Child Support Credit Reporting/State Licensing Match Transmittal", dated (8/02) as follows:

CHILD SUPPORT CREDIT REPORTING/STATE LICENSING MATCH TRANSMITTAL

NOTE: THIS TRANSMITTAL MUST ACCOMPANY ALL CHILD SUPPORT CRS/SLMS INPUT AND UPDATES, A MAXIMUM OF 10 DOCUMENTS PER TRANSMITTAL

TO: DEPARTMENT OF CHILD SUPPORT SERVICES PRODUCTION CONTROLS, MS - 40 P. O. BOX 419064 RANCHO CORDOVA, CA 95741-9064		KEY ENTRY USE ONLY 30701/ _____ E _____ V _____	
COUNTY NAME	COUNTY NUMBER	CURRENT DATE: PROCESS MO/YR	
SUBMITTED BY		PHONE NUMBER	

TAPE COUNTY	
TAPE NUMBER	
RECORD COUNTY	

FLOPPY DISK COUNTY	
INPUT NAME	
RECORD COUNTY	

CERTIFICATION

I certify that every request for collection and upward modification included with this transmittal meets the following requirement:

This agency has verified the obligor's name, Social Security Number, and the accuracy and types of the arrears. The agency has a copy of the order and any modifications, a copy of the payment record or an affidavit signed by the custodial parent attesting to the amount of support owed and has in non-assistance cases, the custodial parent's current address.

I, _____, declare that I have supervised the compilation of the attached list of arrearages of child support and I am informed and believe that each listed obligor has been identified by the correct Social Security Number and the correct child support arrearage owed.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this _____ day of _____, 20____, in the County of _____, California

Name and Title of Certifying Officer

DATA GUIDANCE USE ONLY

TAPE COUNTY DSN: BP. CRS. CO _____ . D _____ . T _____

VOLSER: _____

CHILD SUPPORT CREDIT REPORTING/STATE LICENSING MATCH TRANSMITTAL

NOTE: THIS TRANSMITTAL MUST ACCOMPANY ALL CHILD SUPPORT CRS/SLMS INPUT AND UPDATES, A MAXIMUM OF 10 DOCUMENTS PER TRANSMITTAL

TO: DEPARTMENT OF CHILD SUPPORT SERVICES PRODUCTION CONTROLS, MS - 40 P. O. BOX 419064 RANCHO CORDOVA, CA 95741-9064		KEY ENTRY USE ONLY 30701/ _____ E _____ V _____	
COUNTY NAME	COUNTY NUMBER	CURRENT DATE: PROCESS MO/YR	
SUBMITTED BY		PHONE NUMBER	

TAPE COUNTY	
TAPE NUMBER	
RECORD COUNTY	

FLOPPY DISK COUNTY	
INPUT NAME	
RECORD COUNTY	

CERTIFICATION

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This agency has verified the obligor's name, Social Security Number, and the accuracy and types of the arrears. The agency has a copy of the order and any modifications, a copy of the payment record or an affidavit signed by the custodial parent attesting to the amount of support owed and has in non-assistance cases, the custodial parent's current address.

I, _____, declare that I have supervised the compilation of the attached list of arrearages of child support and I am informed and believe that each listed obligor has been identified by the correct Social Security Number and the correct child support arrearage owed.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this _____ day of _____, 20____, in the County of _____, California

Name and Title of Certifying Officer

DATA GUIDANCE USE ONLY

TAPE COUNTY DSN: BP. CRS. CO _____ . D _____ . T _____

VOLSER: _____

STATE OF CALIFORNIA

ECONOMIC AND FISCAL IMPACT STATEMENT

(REGULATIONS AND ORDERS)

See SAM Sections 6600-6680 for Instructions and Code Citations

STD. 399 (Rev. 2-98)

Department Name Child Support Services	Contact Person Carlos Rivera Gary Fujii-Budget	Telephone Number (916) 464-5236 (916) 464-5177
Descriptive Title From Notice Register or Form 400 Chapter 1, Program Administration: Definitions Chapter 6, Enforcement Actions: Definitions Subchapter 6.1, Immediate Enforcement Actions: Income Withholding Orders; Medical Support Enforcement; Real Property Liens, Credit Reporting.		Notice File Number

ECONOMIC IMPACT STATEMENT

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *(Include calculations and assumptions in the rulemaking file.)*

1. Check the appropriate box(es) below to indicate whether this regulation:

- ☐ a. Impacts businesses and/or employees
 ☐ e. Imposes reporting requirements
☐ b. Impacts small businesses
 ☐ f. Imposes prescriptive instead of performance standards
☐ c. Impacts jobs or occupations
 ☐ g. Impacts individuals
☐ d. Impacts California competitiveness
 ☒ h. None of the above (Explain below. Complete for Fiscal Impact Statement as appropriate).

h. (cont.)

These regulations interpret, implement and make specific existing state and federal law related to the immediate enforcement actions necessary for the administration of the child support program and will not result in any increase or decrease in the level of services currently provided, or activities currently performed, by local child support agencies, nor do they place additional requirements on persons who avail themselves of the services provided under California's Child Support Service Program. The income withholding and medical support enforcement actions specified in these regulations that involve businesses do not impose new requirements, but rather re-state existing requirements found in state and federal law at 706.011 and 706.029, Code of Civil Procedure; Sections 3750, 3751, 3751.5, 3752, 3760, 3763, 3764, 3766-3768, 3770, 3771, 3773, 4901, 5206, 5216, 5232, 5240, 5241, 5242, 5243, 5245, 5246, 17400, and 17422, Family Code; Section 1088.8, Unemployment Insurance Code; 15, USC, Section 1673(b); 42, USC, Section 653a; and 45 CFR, Sections 303.31, 303.32, and 303.100. As such, these businesses

would likely already have procedures and processes for such actions and would not have a fiscal impact on the businesses.

(If any box in Items a. through g. is checked complete this Economic Impact Statement)

2. Enter the total number of businesses impacted:

Describe the types of businesses (include nonprofits):

Enter the number or percentage of total businesses impacted that are small businesses:

3. Enter the number of businesses that will be created: __ eliminated:

Explain:

4. Indicate the geographic extent of impacts: ☐ Statewide ☐ Local or regional (list areas)

5. Enter the number of jobs created: __ or eliminated: __ Describe the types of jobs or occupations impacted: __.

6. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? ☐ Yes ☐ No

B. ESTIMATED COSTS *(Include calculations and assumptions in the rulemaking file).*

1. What are the total statewide costs that businesses and vendors may incur to comply with this regulation over its lifetime? \$

a. Initial costs for a small business: Annual ongoing costs:

b. Initial costs for a typical business: Annual ongoing costs:

c. Initial costs for an individual: Annual ongoing costs:

d. Describe other economic costs that may occur:

2. If multiple industries are impacted, enter the share of total costs for each industry:

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements (include the dollar amounts to do record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted).

4. Will this regulation directly impact housing costs? ☐ Yes ☐ No If yes, enter the annual dollar cost per housing unit \$ _____ and the number of units: _____.

5. Are there comparable Federal regulations? ☐ Yes ☐ No Explain the need for State

regulation given the existence or absence of Federal regulations:

C. ESTIMATED BENEFITS *(Include calculations and assumptions in the rulemaking file)*

1. Briefly summarize the benefits that may result from this regulation and who will benefit:
2. Are the benefits the result of: ☐ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority? Explain:
3. What are the total statewide benefits from this regulation over its lifetime?

D. ALTERNATIVES TO THE REGULATION *(Include calculations and assumptions in the rulemaking file).*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not.
2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation:	Benefit:	Cost
Alternative 1:	Benefit:	Cost
Alternative 2:	Benefit:	Cost
3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives:
4. Rulemaking law requires agencies to consider performance standards as an alternative if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs?
☐ Yes ☐ No

Explain:

MAJOR REGULATIONS *(Include calculations and assumptions in the rulemaking file)*

1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million? ☐ Yes ☐ No (If no, skip the rest of this section)

2. Briefly describe each equally as effective alternatives, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1:

Alternative 2:

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: \$ _____

Cost-effectiveness ratio:

Alternative 1: \$ _____

Cost-effectiveness ratio:

Alternative 2: \$ _____

Cost-effectiveness ratio:

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT (*Indicate appropriate boxes 1. through 6. and attach calculations and assumptions of fiscal impact for the current year and two subsequent years.*)

- ☐ 1. Additional expenditures of approximately \$_____ in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:

☐ a. is provided in (Item_____ Budget Act of____) or (Chapter____, Statutes of _____)

☐ b. will be requested in the _____ Governor's Budget for appropriation in Budget Act of _____.

- ☐ 2. Additional expenditures of approximately \$_____ in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:

☐ a. implements the Federal mandate contained in _____.

☐ b. implements the court mandate set forth by the
court in the case of _____ vs. _____.

☐ c. implements a mandate of the people of this State expressed in their approval of
Proposition No _____ at the _____ election.

☐ d. is issued only in response to a specific request from the _____ which is/are the

only local entity(s) affected.



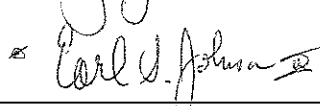

- ☐ e. will be fully financed from the _____ authorized by Section _____ of the Code.
- ☐ f. provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each such unit.
- ☐ 3. Savings of approximately \$_____ annually.
- ☒ 4. No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law and regulations.
- ☐ 5. No fiscal impact exists because this regulation does not affect any local entity or program.
- ☐ 6. Other.

B. FISCAL EFFECT ON STATE GOVERNMENT *(Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent fiscal years)*

- ☐ 1. Additional expenditures of approximately \$_____ in the current State Fiscal Year. It is anticipated that State agencies will:
- ☐ a. be able to absorb these additional costs within their existing budgets and resources.
- ☐ b. request an increase in the currently authorized budget level for the _____ fiscal year.
- ☐ 2. Savings of approximately \$_____ in the current State Fiscal Year.
- ☐ 3. No fiscal impact exists because this regulation does not affect any State agency or program.
- ☒ 4. Other. The proposed regulation modify an existing state program. However, the modifications do not constitute any additional or reduced workload on the part of state agencies or programs.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent years.)

- ☐ 1. Additional expenditures of approximately \$_____ in the current State Fiscal Year.
- ☐ 2. Savings of approximately \$_____ in the current State Fiscal Year.
- ☐ 3. No fiscal impact exists because this regulation does not affect any federally funded State agency or program.
- ☒ 4. Other. No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law & reg.

SIGNATURE 		TITLE CHIEF FINANCIAL PLANNING SEC.
AGENCY SECRETARY ¹ APPROVAL/CONCURRENCE 		DATE 8-15-02 ASSOCIATE SECRETARY
DEPARTMENT OF FINANCE ² APPROVAL/CONCURRENCE	PROGRAM BUDGET MANAGER 	DATE

- The signature attests that the agency has completed the STD 399 according to the instructions in SAM sections 6600-6680, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.
- Finance approval and signature is required when SAM sections 6050-6057 require completion of the Fiscal Impact Statement in the STD 399. However, Finance must immediately receive a copy of each STD 399 submitted to OAL without Finance signature and Finance may subsequently question the "no fiscal impact" finding of a state agency.